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CASE EL/2-22943/A/PCT

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Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF
THOMAS SCHÄFER ET AL.

Group Art Unit: 1625

Examiner: CELIA C. CHANG

INTERNATIONAL APPLICATION NO. PCT/EP
2004/051930

FILED: August 27, 2004

FOR: ELECTROLUMINESCENT DEVICE

U.S. APPLICATION NO: 10/568,724

35 USC 371 DATE: FEBRUARY 17, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

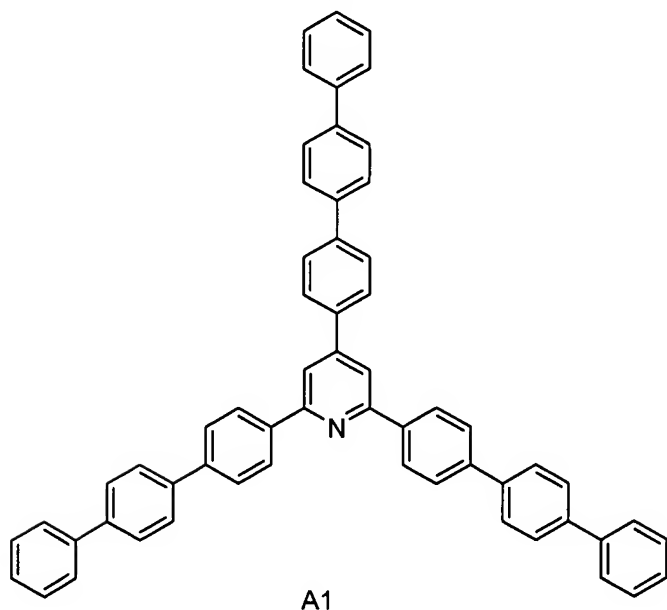
In response to an Office Action requiring restriction dated November 20, 2008, the following amendments and remarks are respectfully submitted for entry and consideration. The Action set a 1 month shortened statutory period for response, making this paper due December 20, 2008. This reply is timely filed.

The Commissioner is hereby authorized to charge any necessary fee or credit any overpayment to Deposit Account No. 03-1935.

Restriction

The Examiner has asked Applicants to elect a single invention from 5 groups, 4 of which are drawn to compounds, one to a device. The Examiner finds in part that the claims taken as a whole describe an invention that would place an undue burden on the Examiner for performing an adequate search.

To satisfy the present restriction, Applicants elect with traverse Group II, drawn to compounds wherein W, X and Y are selected from optionally nonheterocyclic substituted phenyl, naphthyl, biphenyl which may be substituted, with the understanding that terphenyl is comprised by biphenyl substituted by phenyl. Such compounds are found in claims 1-8 and 13-16. As an elected species with which to begin examination, Applicants choose the compound A1 from Example 1 on page 35 of the specification which can be found in claims 1-4, 6, 7 and 13-16:



In order to speed prosecution, however, Applicants respectfully offer that instead of the groups of the proposed restrictions, that the examination be directed to compounds which fall under the limitations of claim 2, i.e., W, X and Y are selected from optionally substituted terphenyl. While such compounds can be found claims 1-8 and 13-16, the claims would be much more limited in scope and the formula for A1 above would be the core feature.

Regarding the presence of heterocyclic substitutions, Applicants respectfully submit that once the core structure is found to be allowable, additional heterocyclic substituents would prove to be searchable. Applicants also note that any fluorene groups falling under the core structure A1 would also have to be substituted by another phenyl ring.

Under Applicants proposal, the compound with the formula A1, found in claims 1-4, 6, 7 and 13-16, would again be chosen as the species with to begin examination.

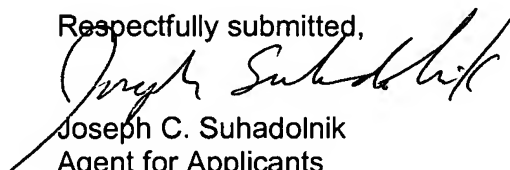
Should the Examiner find that Applicants' proposal would be acceptable with minor adjustments; Applicants would gladly entertain such suggestions.

Applicants respectfully note that PCT rules allow for an invention to encompass novel compounds and an application using the compounds. Therefore, Applicants kindly ask that upon finding the elected compounds allowable that the Examiner rejoin claims 9-11 as they relate to an electroluminescent device comprising said and find those claims also allowable. Under this scenario, i.e., rejoinder, Applicants choose the device of claim 10 as the species with which to begin examination.

Consideration of the elected claims on their merits is respectfully awaited. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

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Respectfully submitted,



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filed under 37 CFR 1.34(a)